IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.12299 of 2005

Between:

1. Nara Chinna Venkatappa, S/o.Nara Pedda Ramappa, Hindu, 55 years, Cultivation, R/o.Kandukur Village, Anantapur Mandal, Anantapur District.

2. Nara Ananthaiah, S/o.N.Venkatanarayana, Hindu, Cultivation, 30 years, R/o.Krishnareddepalli Village, Anantapur Mandal, Anantapur District.

...PETITIONERS

AND

The Mandal Revenue Officer, Anantapur Mandal, Anantapur District.

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order, direction, more particularly Issue a writ of Mandamus declaring the action of the respondent in trying to dispossess the petitioners from the land In Survey No. 28/4, to an Extent of Ac. 0.95 cents, in Kandukur Village, Anantapur Mandal, Anantapur District, without passing final orders on the explanation submitted by the 1st Petitioner dated 31.05.2005 to the show cause notice issued by the respondent in R.C.No.473/2005 dated 11.05.2005 as illegal, arbitrary, and violation of the principles of natural justice and consequently direct the respondent not to dispossess the petitioners from the land in Survey No. 28/4, Extent Ac. 0.95 cents, in Kandukur Village, Anantapur Mandal, Anantapur District.

Counsel for the Petitioners: KOTHAPALLI RAM MOHAN CHOWDARY

Counsel for the Respondent: GP FOR REVENUE

The Court at the admission stage made the following:

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.12299 of 2005

ORDER:

This Writ Petition is filed aggrieved by the issuance of show cause notice dated 11.05.2005 by the respondent directing the petitioners to submit their explanation within fifteen days in writing along with the evidence on the ground that they have not cultivated the land from the date of assignment and violated the terms of patta. In response to the above said show cause notice, the first petitioner submitted explanation on 31.05.2005. Pending consideration of the above said explanation to the show cause notice, the petitioners filed the present Writ Petition with an apprehension of threat of dispossession by the respondent.

Considering the facts and circumstances of the case and as the matter is pending consideration before the respondent, I deem it appropriate to dispose of the Writ Petition.

The Writ Petition is disposed of at the admission stage with a direction to the respondent to give an opportunity to the petitioners and dispose of the explanation dated 31.05.2005 submitted by the first petitioner, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such time,

the respondent is directed not to take any coercive steps to dispossess the petitioners.

No order as to costs.

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(ELIPE DHARMA RAO, J)

13th June 2005

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Mandal Revenue Officer, Anantapur Mandal, Anantapur District.
2. Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT).
3. Two CD copies.